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10/521,921

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Roderick Joseph Gibbs

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EXAMINER

KEE, FANNIE C

ART UNIT

PAPER NUMBER

3679

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,921	<b>Applicant(s)</b> GIBBS, RODERICK JOSEPH	
	<b>Examiner</b> FANNIE KEE	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in the revised Figure 1, the cross-hatching patterns used for reference elements “18” and “34” are incorrect. See MPEP 608.02 for the correct cross-hatching pattern for a resinous or elastic material.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because of minor grammatical errors, i.e., line 3 – add the word --a-- between the words “includes” and “connection”; and, line 6 – replace the words “for connect” with the words --for the connection--.

Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the claims need to be re-written according to rule CFR 1.75(i) – “where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.”

5. Claim 1 is objected to because of the following informalities: replace the word "engagable" with the correct spelling --engageable-- in line 3.

6. Claim 2 is objected to because of the following informalities: add a comma after the words “according to claim 2” in line 1.

7. Claim 10 is objected to because of the following informalities: replace the word "threadalby" with the correct spelling --threadably-- in line 7.

Correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 10-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites “a support attachable to a panel that includes an opening for a fluid supply pipe”. Does Applicant mean that the support has an opening or that the panel which the support is "attachable to" has the opening for a fluid supply pipe? Applicant has not positively claimed either the panel or the pipe. Therefore, the panel can be any convenient shape or size to attach to the support. Therefore, Examiner is interpreting that Applicant means that the support includes an opening for a fluid supply pipe.

Claim 11 recites “wherein the support plate includes a sleeve”. However, Applicant has not claimed a support plate. Is Applicant referring to the support claimed in claim 10? Is Applicant trying to further limit the support claimed in claim 10? Examiner is interpreting that Applicant is trying to further define the support as a “support plate” and that any type of support with a plate would meet the limitation of this claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

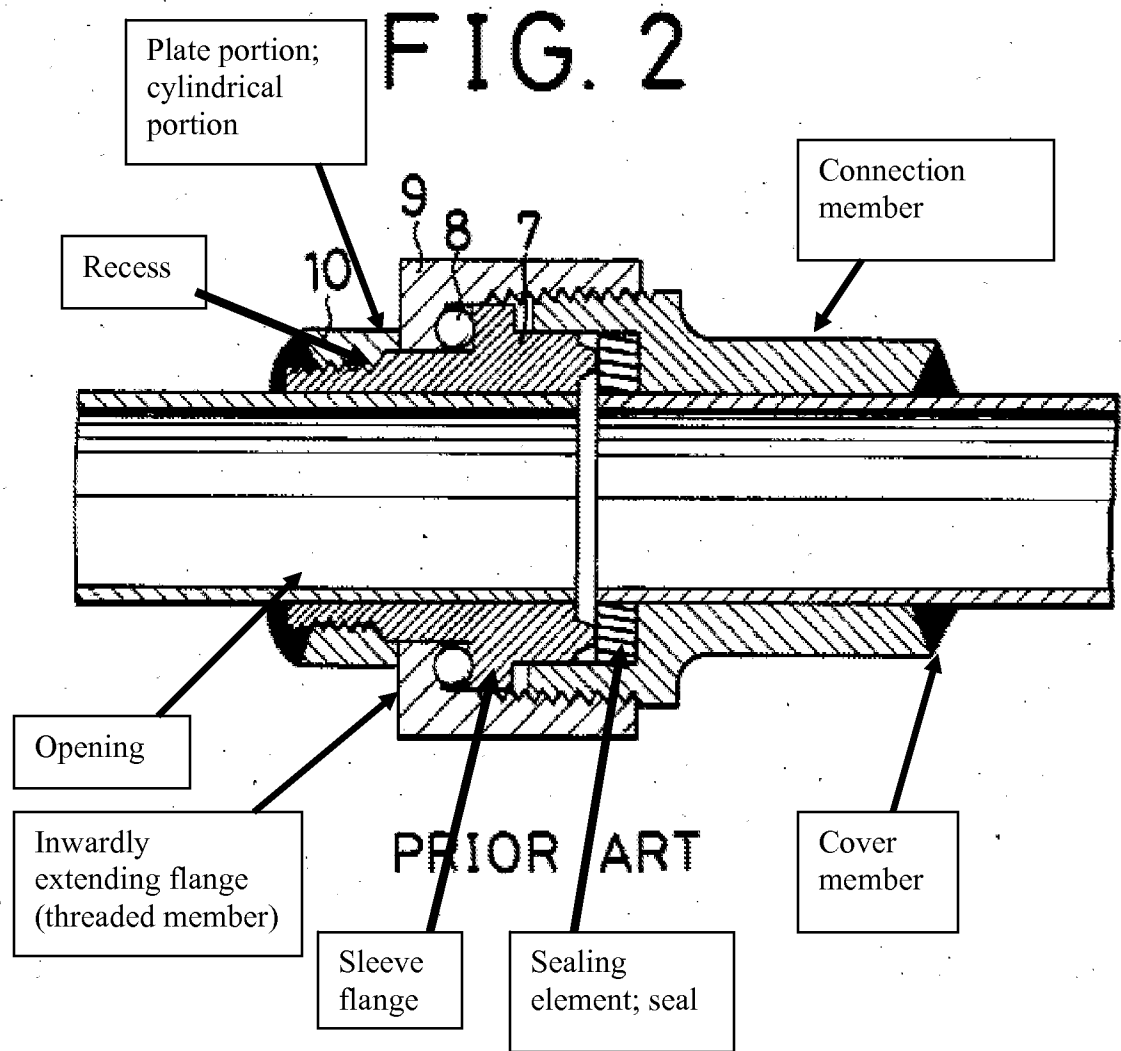
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-8 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Totani U.S. Patent No. 4,660,868.

With regard to claim 1, and as seen in Figure 2 below, Totani discloses a fluid connection assembly for establishing a connection with a fluid supply pipe extending from a rear face of a panel to a front face of the panel, the assembly comprising a connection member engageable with the fluid supply pipe at the front of the panel; and means for connection of the fluid pipe to the connection member, comprising a support member (10) adapted to be fixed to the panel at the front face thereof, a threaded member (9) supported by the support member and rotatable relative to the support member for engaging the connection member, and a compression fitting operable from the front of the panel and comprising a sealing element deformable responsive to tightening of the threaded member to establish a seal between the fluid supply pipe and the connection member.

*Note: the panel and fluid supply pipe are not part of the claimed invention.*



With regard to claim 2, and as seen in Figure 2 above, Totani discloses the connection member having screw threaded engagement with the threaded member (9), and the compression fitting includes the sealing element deformable between the threaded member and the connection member to establish a seal between the fluid supply pipe and the connection member.

*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 3, and as seen in Figure 2 above, Totani discloses the connection member being adapted to have a shower head or hose connected to it.

With regard to claim 4, and as seen in Figure 2 above, Totani discloses a cover member adapted to engage with the assembly and to conceal the assembly.

With regard to claim 5, and as seen in Figure 2 above, Totani discloses the support member (10) comprising a plate portion *abutting the front face of the panel* and a recess *that extends past the front face of the panel toward the rear face of the panel*.

*Note: the panel is not part of the claimed invention.*

With regard to claim 6, and as seen in Figure 2 above, Totani discloses a sleeve (7) disposed between the fluid supply pipe and the recess of the support plate, wherein the sleeve includes a flange that corresponds with a flange of the threaded member for holding the threaded member in a desired axial position relative to the support plate while providing for rotation of the threaded member relative to the support plate.

*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 7, and as seen in Figure 2 above, Totani discloses the sealing element being disposed about the fluid supply pipe between the sleeve on a first axial end and the connection member.



*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 8, and as seen in Figure 2 above, Totani discloses the threaded member (9) comprising a threaded nut including an inwardly extending flange corresponding to the flange of the sleeve for holding the desired axial position of the threaded member onto the support.

With regard to claim 10, and as seen in Figure 2 above, Totani discloses a fluid connection assembly comprising:

- a support (10) attachable to a panel that includes an opening for a fluid supply pipe;
- a threaded member (9) supported on the support and rotatable relative to the support;
- a conduit engageable with the threaded member for directing water to a hydraulic device;
- and
- a seal for assembly to the fluid supply pipe that is compressible responsive to the conduit being threadably received by the threaded member.

*Note: the panel and fluid supply pipe are not part of the claimed invention.*

With regard to claim 11, and as seen in Figure 2 above, Totani discloses the support plate including a sleeve (7) disposed between the fluid supply pipe and the opening in the support for rotatably supporting the threaded member.

*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 12, and as seen in Figure 2 above, Totani discloses the seal being disposed around the fluid supply pipe and between the sleeve and the conduit.

*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 13, and as seen in Figure 2 above, Totani discloses the support including a face portion *that abuts the panel* and a cylindrical portion *that extends through the panel about the fluid supply pipe*.

*Note: the panel and fluid supply pipe are not part of the claimed invention.*

With regard to claim 14, and as seen in Figure 2 above, Totani discloses the face portion being attachable to the panel.

*Note: the panel is not part of the claimed invention.*

12. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Richter U.S. Patent No. 5,382,057.

With regard to claim 1, and as seen in Figure 2, Richter discloses a fluid connection assembly for establishing a connection with a fluid supply pipe extending from a rear face of a panel to a front face of the panel, the assembly comprising a connection member (54, 55) engageable with the fluid supply pipe at the front of the panel; and means for connection of the fluid pipe to the connection member, comprising a support member (112) adapted to be fixed to

the panel at the front face thereof, a threaded member (101) supported by the support member and rotatable relative to the support member for engaging the connection member, and a compression fitting operable from the front of the panel and comprising a sealing element (92) deformable responsive to tightening of the threaded member to establish a seal between the fluid supply pipe and the connection member.

*Note: the panel and fluid supply pipe are not part of the claimed invention.*

With regard to claim 2, and as seen in Figure 2, Richter discloses the connection member (54, 55) having screw threaded engagement with the threaded member (9), and the compression fitting includes the sealing element (92) deformable between the threaded member and the connection member to establish a seal between the fluid supply pipe and the connection member.

*Note: the fluid supply pipe is not part of the claimed invention.*

With regard to claim 3, and as seen in Figure 2, Richter discloses the connection member being adapted to have a shower head or hose connected to it.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Totani.

With regard to claim 9, Totani discloses the claimed invention but does not disclose that the connection member comprises a fluid conduit elbow having external threads on each end. It is well known in the art to change the shape of a connection member to an elbow shape in order to change the direction of flow and to add external threads to the ends of a member such that the member can be easily and securely fastened to further components.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the connection member in an elbow shape because a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art (In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)) and in order to change the direction of flow and to have external threads on each end of the connection member such that the member can be easily and securely fastened to further components.

***Response to Arguments***

15. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FANNIE KEE whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

/F. K./  
Examiner, Art Unit 3679